

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Arbitration
Between

TUBE CITY IMS, LLC

Petitioner,

-against-

ANZA CAPITAL PARTNERS LLC,

Respondent.

Case No. 14-cv-1783 (PAE)

**DECLARATION OF JUSTIN J.
GUNNELL IN SUPPORT OF
PETITIONER'S MOTION FOR
A TURNOVER ORDER
AGAINST RECIPIENTS OF
FRAUDULENT TRANSFERS**

I, Justin J. Gunnell, an attorney duly admitted to practice before this Court, hereby
declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an associate of the law firm of Sher Tremonte LLP, attorneys for Petitioner,
Tube City IMS, LLC.

2. Attached hereto as **Exhibit 1** is a chart with corresponding bank statements
showing payments from Anza LLC to Caran Properties, along with the StreetEasy.com profile
for Lausanne Condominium.

3. Attached hereto as **Exhibit 2** is the StreetEasy.com sale listing for Unit 26A of
Lausanne Condominium.

4. Attached hereto as **Exhibit 3** is a chart with corresponding copies of bank
statements showing payments from Anza LLC to Chase Home Finances.

5. Attached hereto as **Exhibit 4** is a chart with corresponding copies of bank
statements showing payments from Anza LLC to Volkswagen Credit.

6. Attached hereto as **Exhibit 5** are portions of the transcript of the Deposition of
Joseph V. Anza, dated January 22, 2015 ("Anza Depo"), cited in the accompanying

Memorandum of Law.

7. Attached hereto as **Exhibit 6** is a copy of a bank statement showing a transfer in the amount of \$2,000.000 from Anza LLC into Joseph V. Anza's personal bank account.

8. Attached hereto as **Exhibit 7** are copies of deposit slips signed by Joseph V. Anza showing cash withdrawals in the total amount of \$3,000.00.

9. Attached hereto as **Exhibit 8** is a chart with corresponding copies of bank statements showing payments from Anza LLC to American Express.

10. Attached hereto as **Exhibit 9** is a chart with corresponding bank statements showing Anza LLC credit card payments made in Europe from June through August of 2013

11. Attached hereto as **Exhibit 10** is a copy of a bank statement showing a transfer in the amount of \$2,000.00 from Anza LLC to Alexandra Anza.

12. Attached hereto as **Exhibit 11** is a chart with corresponding bank statements showing payments to JVA Partners from Anza LLC.

13. Attached hereto as **Exhibit 12** is a copy of a PowerPoint presentation indicating that Anza Cyprus I is owned by Joseph V. Anza along with two other individuals.

14. Attached hereto as **Exhibit 13** is a chart with corresponding bank statements showing payments to the Anza Cyprus Entities from Anza LLC.

15. Attached hereto as **Exhibit 14** is a chart with corresponding bank statements showing payments to JVA Partners from the Anza Cyprus Entities.

16. Attached hereto as **Exhibit 15** is a chart with corresponding bank statements showing payments to Omni Steel from Anza LLC.

17. Attached hereto as **Exhibit 16** is a copy of a Deed of Sale for Unit 26A, 333 East 45th Street, New York, NY 10016.

18. Attached hereto as **Exhibit 17** is a copy of the bank statement signature page for an account owned jointly by Joseph V. Anza and Alexandra Anza.

19. Attached hereto as **Exhibit 18** is a copy of the New York Delinquent Taxpayer List from August, 2015.

20. Attached hereto as **Exhibit 19** is a copy of the NYS Department of State, Division of Corporations, Entity Registration for Omni Steel Supply LLC.

21. Attached hereto as **Exhibit 20** is a copy of the JVA Partners bank account signature page.

22. Attached hereto as **Exhibit 21** is a copy of Subpoena and Document Requests seeking, *inter alia*, documents “concerning any transfer or sale of any asset” of Anza LLC from January 1, 2008 through the present.

23. Attached hereto as **Exhibit 22** is a copy of JVA Partners’ bank account statement for the month of March, 2015.

24. Attached hereto as **Exhibit 23** is a copy of Joseph V. Anza’s Witness Fee Cancelled Check.

25. Attached hereto as **Exhibit 24** is a copy of JVA Partners’ bank account statements showing payment of personal expenses.

26. Attached hereto as **Exhibit 25** is a copy of bank records showing transfers from Omni Steel to JVA Partners.

27. On November 21, 2014 petitioners deposed Michael Levine, Esq. the attorney that represented Anza Capital in the underlying arbitration.

28. On January 22, 2015 petitioners deposed Vincent J. Anza who was represented at his deposition by Levine.

29. Petitioners also issued multiple subpoenas to Chase Bank for records concerning Anza LLC, Vincent J. Anza, and certain entities affiliated with Anza or his family.

30. The only documents provided in response to document requests to Joseph V. Anza and Anza LLC were bank statements, tax returns, the complaint in another lawsuit involving Anza LLC and a Limited Liability Company Agreement for “Anza-Atco Metal Investment LLC” documents not involving the judgment-debtor.

31. To date, Respondent still has not paid any portion of the Arbitration Award or Judgment.

Dated: New York, New York
June 13, 2015

/s/ Justin J. Gunnell

Justin J. Gunnell